

1 Eric C. Rassbach (CA SBN 288041)  
2 Mark L. Rienzi (DC Bar No. 494336)\*  
3 Laura Wolk Slavis (DC Bar No. 1643193)\*  
4 Jordan T. Varberg (DC Bar No. 90022889)\*  
5 Amanda G. Dixon (DC Bar No. 90021498)\*  
6 Richard C. Osborne (DC Bar No. 90024046)\*  
7 The Becket Fund for Religious Liberty  
8 1919 Pennsylvania Ave. NW, Suite 400  
9 Washington, DC 20006  
10 202-955-0095 tel. / 202-955-0090 fax  
11 erassbach@becketlaw.org

12 Paul D. Clement (DC Bar No. 433215)\*  
13 Erin E. Murphy (DC Bar No. 995953)\*  
14 Matthew D. Rowen (CA SBN 292292)  
15 Clement & Murphy, PLLC  
16 706 Duke Street  
17 Alexandria, VA 22314  
18 *Attorneys for Plaintiffs*

19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 YITZCHOK FRANKEL *et al.*,  
22 Plaintiffs,

23 v.

24 REGENTS OF THE UNIVERSITY OF  
25 CALIFORNIA *et al.*,  
26 Defendants.

Case No.: 2:24-cv-04702

**PLAINTIFFS' NOTICE  
OF MOTION AND  
MOTION FOR  
PRELIMINARY  
INJUNCTION**

Date: July 22, 2024

Time: 9:00 a.m.

Courtroom: 7C

Judge: Hon. Mark C. Scarsi

27  
28  
\* admitted *pro hac vice*

1 TO DEFENDANTS AND TO THEIR COUNSEL OF RECORD:

2 NOTICE IS HEREBY GIVEN that on July 22, 2024, at 9:00 A.M. in  
3 Courtroom 7C of the above-entitled court, located at 350 W. 1st St., Los  
4 Angeles, California, Plaintiffs will move and hereby move this Court to  
5 preliminarily enjoin Defendants from operating in a way that violates  
6 Plaintiffs' constitutional and statutory rights.

7 As described in more detail in the accompanying memorandum,  
8 Plaintiffs are three Jewish students currently enrolled at UCLA who  
9 wish to attend classes and other activities free from discrimination and  
10 antisemitic harassment. But as things stand, UCLA has failed to  
11 guarantee Plaintiffs equal access to UCLA's educational facilities, indoor  
12 and outdoor areas on campus, and UCLA-affiliated activities and  
13 programs. Rather, Defendants have supported and facilitated religion-  
14 and race-based exclusions.

15 UCLA's actions are unconstitutional in many respects. First, UCLA's  
16 actions violate the Free Exercise Clause. The Supreme Court has  
17 "repeatedly held that a State violates the Free Exercise Clause when it  
18 excludes religious observers from otherwise available public benefits."  
19 *Carson v. Makin*, 596 U.S. 767, 778 (2022). In addition, government  
20 policies that (1) treat "*any* comparable secular activity more favorably  
21 than religious exercise," *Tandon v. Newsom*, 593 U.S. 61, 62 (2021), or  
22 (2) allow for a "discretionary" system of "individualized exemptions,"  
23 *Fulton v. City of Philadelphia*, 593 U.S. 522, 533, 536 (2021), violate the  
24 Free Exercise Clause unless they satisfy strict scrutiny. *Fellowship of*  
25 *Christian Athletes v. San Jose Unified Sch. Dist. Bd. of Educ.*, 82 F.4th  
26 664, 690 (9th Cir. 2023) (en banc). Here, UCLA's policies violate all three  
27 commands, and the policies do not satisfy strict scrutiny.

1 Second, UCLA’s policies violate the Free Speech Clause. The  
2 government’s attempt to regulate speech based on the “specific  
3 motivating ideology or the opinion or perspective of the speaker” is a  
4 “blatant” and “egregious” violation of the Free Speech Clause that is  
5 “presumptively unconstitutional.” *Rosenberger v. Rector & Visitors of*  
6 *Univ. of Va.*, 515 U.S. 819, 829-30 (1995). Similarly, the government  
7 cannot “coerce an individual to speak contrary to her beliefs on a  
8 significant issue of personal conviction.” *303 Creative LLC v. Elenis*, 600  
9 U.S. 570, 598 (2023). Here, UCLA’s policies violate both of these core  
10 First Amendment rules without satisfying strict scrutiny.

11 Third, UCLA’s policies violate the Equal Protection Clause. It has long  
12 been established that denying access to public educational institutions  
13 on the basis of religion or ethnicity violates the Constitution’s guarantee  
14 of equal protection of the laws. *Students for Fair Admissions, Inc. v.*  
15 *President & Fellows of Harvard Coll.*, 600 U.S. 181, 202-03 (2023). Here,  
16 UCLA’s policies have led to the segregation of Plaintiffs based on their  
17 race and religion, and this discrimination cannot survive strict scrutiny.  
18 *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701,  
19 720 (2007).

20 Finally, UCLA’s policies violate Title VI of the Civil Rights Act of 1964,  
21 42 U.S.C. § 2000d *et. seq.* Specifically, Title VI prohibits discrimination  
22 against Jews—including based on actual or perceived ancestry, race,  
23 ethnic characteristics, or national origin. *Cf. Shaare Tefila Congregation*  
24 *v. Cobb*, 481 U.S. 615, 616 (1987); 34 C.F.R. § 100.3(a), (b)(1)(iv), (vi).  
25 Here, UCLA’s policies discriminated against Plaintiffs based on their  
26 ethnicity as Jews by excluding them from participation in UCLA  
27 programs and denying them the full benefits of those programs.  
28

1       **WHEREFORE**, Plaintiffs pray that this Court grant a preliminary  
2 injunction in this action. This request is based on this Notice of Motion  
3 and Motion; the accompanying supporting Memorandum of Points and  
4 Authorities; the supporting declarations and exhibits of Yitzchok  
5 Frankel, Joshua Ghayoum, Eden Shemuelian, and Eric Rassbach; as well  
6 as the papers, evidence, and records on file in this action; and any other  
7 written or oral evidence or argument as may be presented at or before  
8 the time this motion is heard by the Court. A proposed order is filed  
9 herewith.

1 Dated: June 24, 2024

Respectfully submitted,

2  
3 /s/ Eric C. Rassbach

Eric C. Rassbach (CA SBN 288041)

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18 *Attorneys for Plaintiffs*

19  
20 \* admitted *pro hac vice*

## PROOF OF SERVICE DECLARATION

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2  
3 1. Pursuant to Local Civil Rule 5-3.2.1, I certify that I will serve  
4 Plaintiffs' Notice of Motion and Motion for Preliminary Injunction (and  
5 all its attached documents) upon counsel for Defendants.

6 2. I will serve these documents by e-mail on Monday, June 24, 2024.

7 3. I will serve these documents on Jennifer Sokoler, Meaghan  
8 VerGow, Anton Metlitsky, and Matt Cowan, all of whom are counsel for  
9 Defendants Regents of the University of California; Michael V. Drake;  
10 Gene D. Block; Darnell Hunt; Michael Beck; Monroe Gorden, Jr.; and  
11 Rick Braziel, each in both his official and personal capacities. In doing so,  
12 Plaintiffs will have provided notice to all adverse parties as required by  
13 Federal Rule of Civil Procedure 65(a)(1).

14 4. The documents to be served include (1) Plaintiffs' Notice of Motion  
15 and Motion for Preliminary Injunction; (2) Plaintiffs' Memorandum in  
16 support of their Motion for Preliminary Injunction; (3) Declaration of  
17 Yitzchok Frankel (and the accompanying exhibit); (4) Declaration of  
18 Joshua Ghayoum (and all accompanying exhibits); (5) Declaration of  
19 Eden Shemuelian (and all accompanying exhibits); (6) Declaration of Eric  
20 Rassbach (and all accompanying exhibits); and (7) Plaintiffs' Proposed  
21 Order.

22 5. In accordance with Federal Rule of Civil Procedure 5(b)(2)(E), these  
23 documents will be served electronically by email. Counsel for Defendants  
24 consented in writing to this method of service on Friday, June 21, 2024.

25 Dated: June 24, 2024

26 /s/ Eric C. Rassbach

27 Eric C. Rassbach

28 *Counsel for Plaintiffs*